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2 Pro Se Litigant

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RECEIVED

MAY 19 2025

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

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8
9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF MINNESOTA
11

12 Steve Salvador Ybarra
13 Self-Represented
14 Pro Se Litigant,

15 Plaintiff,

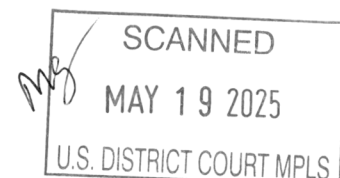
16 v.

17 Legal Assistance of Dakota County;
18 Sharon Jones Esq., in her Individual
19 and
20 Official capacities;
21 Hon. David Lutz, in his individual
22 and
23 Official capacities;
24 Hon. Tanya Obrien, in her individual
25 and official capacities;
26 Hon. Danna L Edwards, in her
individual and official capacities;
Lydia Clemens, in her individual and
official capacities;
Michelle Cathleen Ybarra,
Attorney General Keith Ellison, in his
individual and
Official capacities;
Assistant Attorney General Jeff
Timmerman, in his individual and
Official capacities;

27 Defendants.
28

No. . 0:25-cv-01948-KMM-DJF

**JUDICIAL NOTICE OF
CONTRADICTORY
REPRESENTATION, CONFLICT
ENTRENCHMENT, AND
UNAUTHORIZED FILINGS UNDER
FEDERAL AND STATE LAW**



1 **PRELIMINARY STATEMENT**

2 This notice arises from a live and escalating procedural conflict in which a
3 named defendant, Assistant Attorney General Jeff Timmerman, is now
4 attempting to litigate on behalf of unrepresented co-defendants—including
5 Legal Assistance of Dakota County—after receiving formal Rule 11(c)(2)
6 notice of fraud, sealed misconduct, and evidentiary suppression. This conduct
7 exposes the integrity of all pending defense pleadings and places the Court in
8 a position of direct adjudication over counsel conduct and due process
9 entrenchment.

10
11 Plaintiff Steve Salvador Ybarra respectfully submits this Judicial Notice to
12 alert the Court to contradictory representations and ethically impermissible
13 litigation conduct by Assistant Attorney General Jeff Timmerman, who is now
14 both a named Defendant in this matter and counsel of record for other co-
15 Defendants.

16
17 On **May 14, 2025**, Mr. Timmerman expressly stated in writing:

18 *"I represent Ms. Clemens and Judges Lutz, Edwards, and O'Brien in the*
19 *lawsuit. I do not represent Ms. Ybarra, Ms. Jones, or Legal Assistance of*
20 *Dakota County."*

21
22 However, on May 16, 2025, after being served with a Rule 11(c)(2) motion
23 specifically targeting Defendant Sharon Jones of Legal Assistance of Dakota
24 County for submitting a ghostwritten affidavit in furtherance of sealed
25 financial fraud—signed and entered by Hon. Judge David Lutz—Mr.
26 Timmerman disregarded the notice and reaffirmed the State's intent to
27 proceed, stating:

28 *"We will be filing our motion to dismiss Monday, along with a response to your*

1 *multiple motions...*"

2
3 The shift from non-representation to collective litigation posture constitutes
4 unauthorized representation of co-Defendants Sharon Jones and Legal
5 Assistance of Dakota County (LADC), both of whom currently lack counsel of
6 record. LADC, as a corporate entity, may not appear pro se. See *Rowland v.*
7 *California Men's Colony*, 506 U.S. 194, 202 (1993); *D-Beam Ltd. P'ship v.*
8 *Roller Derby Skates, Inc.*, 366 F.3d 972, 973 (9th Cir. 2004).

9
10 **I. CONFLICT OF INTEREST UNDER PROFESSIONAL CONDUCT**
11 **RULES**

12 Mr. Timmerman, a party to this litigation, is attempting to represent adverse
13 co-Defendants whose defenses may materially conflict with his own. This
14 violates:

- 15 • **Minn. R. Prof. Conduct 1.7(a)** – concurrent conflict of interest;
16 • **Rule 1.9(a)** – former client conflict (Timmerman previously worked for
17 Dakota County);
18 • **Rule 1.10(a)** – conflict imputed to the entire Office of the Attorney General;
19 • **Rule 1.16(a)(1)** – mandatory withdrawal where continued representation
20 violates ethics rules.

21 Minnesota case law recognizes disqualification is required where an attorney's
22 ongoing participation may compromise client confidentiality or impair the
23 integrity of the judicial process. See *In re T.D.F.*, 900 N.W.2d 327, 333 (Minn.
24 Ct. App. 2017).

25
26 **II. PROCEDURAL MISCONDUCT UNDER RULE 11 AND FEDERAL**
27 **AUTHORITY**

28 Plaintiff served a Rule 11(c)(2) motion on Mr. Timmerman on **May 16, 2025**,

1 identifying sealed affidavit fraud and improper litigation conduct by Ms.
2 Jones. That motion triggered the 21-day safe harbor period. Filing any
3 responsive pleading or motion on behalf of Ms. Jones or LADC prior to
4 withdrawal or substitution of counsel constitutes an additional Rule 11(b)(1)
5 and (b)(3) violation.

6 The Tenth Circuit has held that continued participation in a civil rights
7 conspiracy following actual notice constitutes a new overt act. See *Snell v.*
8 *Tunnell*, 920 F.2d 673, 701 (10th Cir. 1990). The Supreme Court has likewise
9 affirmed that Rule 11 sanctions are warranted when an attorney persists in
10 filing procedurally retaliatory or unsupported motions after formal notice.
11 *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991); *Cooter & Gell v. Hartmarx*
12 *Corp.*, 496 U.S. 384, 393 (1990).

13 14 **III. STATE COURT PRECEDENT AND PROCEDURAL AUTHORITY**

15 Under **Minn. R. Civ. P. 11.02**, which parallels the federal rule, every filing
16 must be:

17 "well grounded in fact and is warranted by existing law or a good faith
18 argument for the extension, modification, or reversal of existing law."

19 Further, under **Minn. R. Civ. P. 5.02**, a party must be properly served and
20 may not appear through conflicted or unqualified representation.

21 **IV. PLAINTIFF'S POSITION**

22 Plaintiff respectfully places the Court on notice that any Motion to Dismiss
23 filed by Mr. Timmerman on behalf of Ms. Jones or LADC will be procedurally
24 improper, ethically conflicted, and in direct violation of Rule 11 safe harbor
25 protections.

26 Absent immediate correction or substitution of independent counsel for Ms.
27 Jones and LADC, Plaintiff reserves the right to:

- 28
- Move to strike any such filings;

- Seek sanctions under Fed. R. Civ. P. 11(c);
- File a Motion for Entry of Default;
- Refer Mr. Timmerman’s conduct to the Minnesota OLPR for disciplinary review.

Respectfully submitted,

/s/ Steve Salvador Ybarra

Steve Salvador Ybarra

Pro Se Litigant

California | Minnesota

Email: Steve@TheoryWerkx.com

Phone: (612) 544-4380

Footnotes (All citations to U.S.C. and Federal Rules unless otherwise noted)

1. See Fed. R. Civ. P. 11(c)(2) (“The motion must be served under Rule 5, but must not be filed or presented to the court if the challenged paper... is withdrawn or appropriately corrected within 21 days after service.”).
2. See *Rowland v. California Men’s Colony*, 506 U.S. 194, 202 (1993) (“A corporation may appear in the federal courts only through licensed counsel.”); see also *D-Beam Ltd. P’ship v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973–74 (9th Cir. 2004) (affirming default judgment against unrepresented corporate party).
3. Minn. R. Prof. Conduct 1.7(a) (conflict exists where “representation of one client will be directly adverse to another client” or “a significant risk” exists that representation will be materially limited).
4. Minn. R. Prof. Conduct 1.10(a) (conflict of one attorney is imputed to all lawyers in the same firm or public office unless proper screening and notice procedures are observed).
5. *In re T.D.F.*, 900 N.W.2d 327, 333 (Minn. Ct. App. 2017) (disqualification required where representation would undermine impartiality or pose material risk to fairness).
6. *Snell v. Tunnell*, 920 F.2d 673, 701 (10th Cir. 1990) (“Continuing participation in a civil rights conspiracy after notification constitutes an overt act for purposes of 42 U.S.C. § 1985.”).
7. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991) (federal courts may sanction bad-faith conduct even if it violates no express rule or statute).

1 8. Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 393 (1990) (Rule 11 applies to pleadings signed and filed
2 without sufficient investigation or basis in fact).

3 9. Minn. R. Civ. P. 11.02 (attorney or party certifies that filing is “well grounded in fact” and not presented for
4 improper purpose).

5 10. Minn. R. Civ. P. 5.02 (service required under procedural rules; unauthorized filings or appearances by non-
6 lawyers or conflicted counsel are prohibited).

7
8 **CERTIFICATE OF SERVICE**

9 I hereby certify that on **May 17, 2025**, I served a true and correct copy of the
10 attached:

11 **JUDICIAL NOTICE OF CONTRADICTION REPRESENTATION,**
12 **CONFLICT ENTRENCHMENT, AND UNAUTHORIZED FILINGS UNDER**
FEDERAL AND STATE LAW

13 upon the following parties by email and/or U.S. Mail:

14 • **Legal Assistance of Dakota County**

15 Email: admin@dakotalegal.org

16 • **Sharon Jones, Esq.**, in her individual and official capacities

17 Legal Assistance of Dakota County

18 Email: sjones@dakotalegal.org

19 • **Jeff Timmerman** he/him/his

20 Email: (confidential)

21 Tel: (Confidential)

22 • **Michelle Cathleen Ybarra**, Respondent

23 Email: shellbell@hotmail.com

24 This notice was served to all named parties via email where available and
25 U.S. Mail where necessary, consistent with Fed. R. Civ. P. 5(b) and Local Rule 7.1.

26 Respectfully submitted,

27 /s/ **Steve Salvador Ybarra**

28 Pro Se Litigant

1 Steve@TheoryWerkx.com
2 (612) 544-4380
3 Executed May 17, 2025
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